



TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

Regular Meeting
Design Review Board
May 19, 2016
7:00 p.m.

AGENDA
TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL

**Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins
And Emberson**

ORAL COMMUNICATIONS

Persons wishing to address the Design Review Board on any subject not on the agenda may do so under this portion of the agenda. Please note that the Design Review Board is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Design Review Board agenda. Please limit your comments to no more than three (3) minutes. Any communications regarding an item not on the agenda will not be considered part of the administrative record for that item.

STAFF BRIEFING (If Any)

CONSENT CALENDAR

1. 2225 VISTAZO EAST STREET

File No. DR2015145; Shor Capital, LLC, Owner; Adoption of a resolution denying Site Plan and Architectural Review for construction of a new single-family dwelling. Assessor's Parcel No. 059-091-55. [DW]

Documents: [2225 VISTAZO EAST STREET.PDF](#)

OLD BUSINESS

2. 2 AUDREY COURT

File Nos. DR2015139/VAR2015021/FAE2015013; Arvand Sabetian, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling and secondary dwelling unit, with a Variance for excess lot coverage and a Floor Area Exception. The applicant proposes to add 1,649 square feet of additions to an existing single-family dwelling and secondary dwelling unit for a total of 5,279 square feet, which is 1,421 square feet greater than the 3,858 square foot floor area ratio for this lot. The project would result

in 3,835.5 square feet (20.6%) of lot coverage, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 058-231 -10 [DW] **CONTINUED TO 6/2/16**

Documents: [2 AUDREY COURT.PDF](#)

PUBLIC HEARINGS & NEW BUSINESS

3. 65 REED RANCH ROAD

File No. DR2016009; Andrea Hong and James Parsons, Owners; Dan Mihalovich and Judy Stern, Appellants; Appeal of a Site Plan and Architecture Review conditional approval for construction of a new fence for an existing single-family dwelling. Assessor's Parcel No. 038-301 -05. [KO] **CONTINUED TO 6/2/16**

Documents: [65 REED RANCH ROAD.PDF](#)

4. 686 HILARY DRIVE

File Nos. DR20160028/VAR2016008/VAR2016012; Kenneth Weil, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced front setback and excess lot coverage. The applicant proposes to add a 226 square foot addition to an existing single-family dwelling, for a total house size of 2,623 square feet. The addition would extend to within 11 feet, 7 inches of the front property line, which is less than the 15 foot front setback required in the R-1 zone. The project would increase the lot coverage on the site by 226 square feet to a total of 2,623 square feet (34.5%), which is greater than the 30.0 % maximum lot coverage permitted in the R-1 zone. Assessor's Parcel No. 055-182-15. [DW]

Documents: [686 HILARY DRIVE.PDF](#)

5. 173 STEWART DRIVE

File No. DR2016036; Afie Royo, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new two-story, 2,723 square foot house with a 510 square foot garage. Assessor's Parcel No. 055-101 -21. [DW]

Documents: [173 STEWART DRIVE.PDF](#)

6. 101 HOWARD DRIVE

File No. DR2016038; Chris and Kenna Norris, Owners; Site Plan and Architectural Review to legalize as-built construction of a fence for an existing single-family dwelling. Assessor's Parcel No. 039-133 -09. [KO]

Documents: [101 HOWARD DRIVE.PDF](#)

MINUTES

7. Regular Meeting Of May 5, 2016

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division Secretary at (415) 435-7390. Notification 48 hours prior to the meeting will enable the Town to make reasonable

arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of Design Review Board Agendas, Staff Reports, project files and other supporting data are available for viewing and inspection at Town Hall during business hours. Agendas and Staff Reports are also available at the Belvedere-Tiburon Public Library and on the Town of Tiburon website (www.ci.tiburon.ca.us) after 5:00 PM on the Friday prior to the regularly scheduled meeting.

Any documents produced by the Town and distributed to a majority of the Design Review Board regarding any item on this agenda, including agenda-related documents produced by the Town after distribution of the agenda packet at least 72 hours in advance of the Board meeting, will be available for public inspection at Town Hall, 1505 Tiburon Boulevard, Tiburon, CA 94920.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please deliver or cause to be delivered a written request (including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service) at least five (5) days before the meeting to the Planning Division Secretary at the above address.

PUBLIC HEARING ITEMS AND BUSINESS ITEMS

Public Hearing items and Business items provide the general public and interested parties an opportunity to speak regarding items that typically involve an action or decision made by the Board. If you challenge any decision in court, you may be limited to raising only those issues you or someone else raised at the meeting, or in written correspondence delivered to the Board at, or prior to, the meeting.

GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS

The Design Review Board's general procedure on items and time limit guidelines for speakers are:

- ❖ Staff Update on Item (if any)
- ❖ Applicant Presentation – 5 to 20 minutes
- ❖ Design Review Board questions of staff and/or applicant
- ❖ Public Testimony (depending on the number of speakers) – 3 to 5 minutes for each speaker; members of the audience may not allocate their testimony time to other speakers
- ❖ Applicant may respond to public comments – 3 minutes
- ❖ Design Review Board closes the public testimony period, deliberates and votes (as warranted)
- ❖ Time limits and procedures may be modified in the reasonable discretion of the Chairman

Interested members of the public may address the Design Review Board on any item on the agenda.

ORDER AND TIMING OF ITEMS

No set times are assigned to items appearing on the Design Review Board agenda. While the Design Review Board attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order without notice.

NOTE: ALL DESIGN REVIEW BOARD MEETINGS ARE AUDIO RECORDED

TOWN OF TIBURON LATE MAIL POLICY
(Adopted and Effective 11/7/2007)

The following policy shall be used by the Town Council and its standing boards and commissions, and by staff of the Town of Tiburon, in the identification, distribution and consideration of late mail.

DEFINITION

“Late Mail” is defined as correspondence or other materials that are received by the Town after completion of the written staff report on an agenda item, in such a manner as to preclude such correspondence or other materials from being addressed in or attached to the staff report as an exhibit.

IDENTIFICATION OF LATE MAIL

All late mail received by Town Staff in advance of a meeting shall be marked “Late Mail” and shall be date-stamped or marked with the date of receipt by the Town. Late mail received at a meeting shall be marked as “Received at Meeting” with a date-stamp or handwritten note.

POLICY

For regular meetings of the Town Council and its standing boards and commissions:

- (1) All late mail that is received on an agenda item prior to distribution of the agenda packet to the reviewing authority shall be stamped or marked as “Late Mail” and shall be distributed to the reviewing authority with the agenda packet.
- (2) All late mail received on an agenda item before 5:00 PM on the Monday prior to the meeting shall be date-stamped and marked as “Late Mail” and distributed to the reviewing authority as soon as practicable. Such mail shall be read and considered by the reviewing authority whenever possible. If the Monday, or Monday and Tuesday, prior to the meeting are a Town-recognized holiday, the deadline shall be extended to the following day at Noon.
- (3) Any late mail received on an agenda item after the deadline established in paragraph (2) above shall be date-stamped, marked as “Late Mail” and distributed to the reviewing authority as soon as reasonably possible, but may not be read or considered by the reviewing authority. There should be no expectation of, nor shall the reviewing authority have any obligation to, read or consider any such late mail, and therefore such late mail may not become part of the administrative record for the item before the reviewing authority.

These provisions shall also apply to special and adjourned meetings when sufficient lead time exists to implement these provisions. If sufficient lead time does not exist, the Town Manager shall exercise discretion in establishing a reasonable cut-off time for late mail. For controversial items or at any meeting where a high volume of correspondence is anticipated, Town staff shall have the option to require an earlier late mail deadline, provided that the written public notice for any such item clearly communicates the specifics of the early late mail deadline, and the deadline corresponds appropriately to any earlier availability of the agenda packet.

Pursuant to state law, copies of all late mail shall be available in a timely fashion for public

inspection at Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 19, 2016
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 2225 Vistazo East Street; File No. DR2015145; Consider Adoption of a Resolution Denying a Site Plan and Architectural Review Application for Construction of a New Single-Family Dwelling; Shor Capital, LLC, Owner; Assessor Parcel Number: 059-091-55

Reviewed By: _____

BACKGROUND

Following a public hearing and discussion at its May 5, 2016 regular meeting, the Design Review Board directed to staff to prepare a draft resolution denying a Site Plan and Architectural Review application for construction of a new single-family dwelling on property located at 2225 Vistazo East Street. The resolution was to be considered for adoption at the next regular meeting.

The draft resolution is attached as **Exhibit 1**. Draft minutes of the May 5, 2016 meeting are also included in the Design Review Board packet.

RECOMMENDATION

Staff recommends that the Board adopt the draft resolution denying the subject application.

ATTACHMENTS

1. Draft resolution

Prepared By: Daniel M. Watrous, Planning Manager

RESOLUTION NO. 2016-01

A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE TOWN OF TIBURON DENYING A SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION FOR CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING AT 2225 VISTAZO EAST STREET

ASSESSOR PARCEL NO. 059-091-55

WHEREAS, the Design Review Board of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. The Town of Tiburon received an application for Site Plan and Architectural Review for the construction of a new single-family dwelling (File #DR2015145) on property located at 2225 Vistazo East Street. The application consists of the following:
 - 1. Application form and supplemental materials received November 17, 2015; and
 - 2. Site plan, demolition plans, landscape plan and elevations prepared by Couture Architecture, received January 14, 2016, and revised plans dated March 3, 2016 and April 11, 2016.
- B. The Design Review Board held a duly-noticed public hearing on this project on February 18, 2016. At that meeting, several property owners in the vicinity raised concerns about the overall size and visual mass of the proposed house, compatibility with the surrounding neighborhood, and the proposed widening of the private roadway of Vistazo East Street. The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house and the overall roof height. The Board directed the applicant to revise the house design to address these issues and continued the application to the March 17, 2016 meeting.
- C. The applicant subsequently submitted revised plans for the project. The floor area of the proposed house was reduced by 100 square feet to 5,730 square feet and the garage reduced in size by 144 square feet to 716 square feet. The lot coverage of proposed house was reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which was 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone and eliminated the need for the lot coverage variance. The rooftop deck and putting green were removed. The overall roof height was lowered by one foot. The swimming pool was shortened in depth. The overall floor plans, house layout and windows on the building elevations were not substantially changed.

- D. The Design Review Board held a duly-noticed public hearing on this project on March 17, 2016 to review the revised plans. At that meeting, several neighboring residents again raised concerns about the overall size of the proposed house and its compatibility with the Old Tiburon neighborhood. The consensus of the Board was that not enough had been done to substantially change the design of the house. The Boardmembers felt that 1) the house still had too much glazing; 2) the structure was too tall for a two-story home with a flat roof; 3) the retaining walls were too large; 4) the pool elevation exacerbated the wall issues; and 5) the house did not fit with the surrounding neighborhood, particularly the Old Tiburon neighborhood below the house. The application was continued to the April 21, 2016 meeting. The applicant requested a continuance to the May 5, 2016 meeting after determining that the revised story poles were not correctly installed.
- E. The applicant subsequently submitted further changes to the plans for the project. The floor area of the house was not changed. The lot coverage was reduced by 162 square feet to 6,098 square feet (14.5% of the site) and patio, walkway and pool areas were reduced by 350 square feet. The lower floor ceiling height was reduced to 10 feet, which reduced the overall roof height by one foot. The pool was shortened in both directions and the walls in front were reduced to a maximum height of 8 feet and made a darker color. Glazing was removed from most of the master bathroom on the upper level northeast elevation. The solar panels and the uphill deer fence were moved downhill closer to the house.
- F. The Design Review Board held a duly-noticed public hearing on this project on May 5, 2016 to review the revised plans. At that meeting, the Design Review Board reviewed revised plans for the proposed project in accordance with Section 16-52.020 (H) of the Tiburon Zoning Code (Guiding Principles in the Review of Site Plan and Architectural Review Applications), and the Tiburon Hillside Design Guidelines and determined that the project plans were inconsistent with these principles and guidelines. The applicant was asked if they would prefer a continuance to further revise the project plans or request that the Board make a decision on the application and indicated a request that a decision be made.
- G. The Design Review Board finds, based upon application materials and analysis presented in the February 18, March 17 and May 5, 2016 Staff Reports, public testimony, as well as visits to the site, that the proposed construction of a new single-family dwelling at this site would be inconsistent with the character of this portion of the Old Tiburon neighborhood and would result in excessive visual mass and glazing when viewed from below the site.
- H. The Design Review Board further finds that that the application is inconsistent with the guiding principle of Tiburon Zoning Ordinance Section 16.52.020 (H [1]), which states:

“Site plan adequacy: Proper relation of a project to its site, including that it promotes orderly development of the community, provides safe and reasonable access, and will not be detrimental to the public health, safety, and general welfare.”

The Design Review Board finds that the subject property is located in a transition area between the smaller R-1 zoned properties of the Old Tiburon neighborhood below the site and the larger RO-2 zoned properties of the Hillhaven neighborhood above the site. The floor area of the proposed house would be larger than almost all of the homes in the vicinity, particularly the dwellings below the site. As a result the size of the house does not promote the orderly development of this portion of the Old Tiburon community or create an appropriate transition between the adjacent neighborhoods.

- I. The Design Review Board further finds that that the application is inconsistent with the guiding principle of Tiburon Zoning Ordinance Section 16.52.020 (H [3]), which states:

“Neighborhood Character: The height, size, and/or bulk of the proposed project bears a reasonable relationship to the character of existing buildings in the vicinity. A good relationship of a building to its surroundings is important. For example in neighborhoods consisting primarily of one-story homes, second story additions shall be discouraged, or permitted with increased setbacks or other design features to minimize the intrusion on the neighborhood.”

The Design Review Board finds that the height, size, and bulk of the proposed project does not bear a reasonable relationship to the character of existing buildings in the vicinity. The visual mass of the proposed house design, spread laterally across the site, with large expanses of retaining walls, excessive glazing on the downhill side, and substantial portions of the structure situated well above the existing grade of the property, are inconsistent with the development pattern of smaller homes in the Old Tiburon neighborhood. The house design would also be inconsistent with the appearance of other large dwellings in the vicinity which have less linear building faces and more differentiation of windows and building materials. The proposed house would therefore not have a good relationship to its surroundings.

- J. The Design Review Board further finds that that the application is inconsistent with the goals and principles of the Tiburon Hillside Design Guidelines. Goal 1 of the Guidelines encourages projects to “reduce effective visual bulk of a structure and to avoid monumental and excessively large buildings.” Goal 1, Principle 1 encourages projects to “cut [a] building into [the] hillside to reduce effective visual bulk.” The Design Review Board finds that the height, retaining walls and excessive glazing of the proposed house and the failure to cut the building far enough into the hillside would not appropriately reduce the effective visual bulk of the building.

Section 2. Denial.

NOW, THEREFORE BE IT RESOLVED that the Design Review Board of the Town of Tiburon does hereby deny the application for Site Plan and Architectural Review for the reasons set forth above.

PASSED AND ADOPTED at a regular meeting of the Design Review Board of the Town of Tiburon on May 19, 2016, by the following vote:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

MICHAEL TOLLINI, CHAIR
TIBURON DESIGN REVIEW BOARD

ATTEST:

DANIEL M. WATROUS, SECRETARY



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 19, 2016
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: **NOTICE OF CONTINUANCE**
2 Audrey Court; File Nos. DR2015139, VAR2015021 & FAE2015013;
Site Plan and Architectural Review for the Construction of Additions to
an Existing Single-Family Dwelling, with a Variance for Excess Lot
Coverage and a Floor Area Exception (Continued from April 21, 2016)

Staff recommends that this item be continued for the following reason(s):

- ☐ No story poles have been erected/no certification received
- ☐ Requested information has not been received
- ☐ Item not properly advertised
- ☒ The applicant/appellant has requested a continuance to: June 2, 2016
- ☐ **Other:**

The application will be continued to the June 2, 2016 Design Review Board meeting.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 19, 2016
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: NOTICE OF CONTINUANCE
65 Reed Ranch Road; File No. DR2016009;
Appeal of a Site Plan and Architecture Review Conditional Approval for
Construction of a New Fence for an Existing Single-Family Dwelling

Staff recommends that this item be continued for the following reason(s):

- ☐ No story poles have been erected/no certification received
- ☐ Requested information has not been received
- ☐ Item not properly advertised
- ☒ The applicant/appellant has requested a continuance to: June 2, 2016
- ☐ **Other:**

The application will be continued to the June 2, 2016 Design Review Board meeting.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 19, 2016
Agenda Item: **4**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 686 Hilary Drive; File Nos. DR2016028, VAR2016008 & VAR2016012;
Site Plan and Architectural Review for the Construction of Additions to
an Existing Single-Family Dwelling, with Variances for Reduced Front
Setback and Excess Lot Coverage

Reviewed By: _____

PROJECT DATA

ADDRESS: 686 HILARY DRIVE
OWNER: KENNETH WEIL
APPLICANT: MATTHEW WAITKUS (DESIGNER)
ASSESSOR'S PARCEL: 055-182-15
FILE NUMBERS: DR2016028/VAR2016008/VAR2016012
LOT SIZE: 7,600 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: M (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: APRIL 27, 2016

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of additions to an existing one-story, single-family dwelling on property located at 686 Hilary Drive. The project would add a master bedroom suite to the front of the house. Two new skylights would be installed.

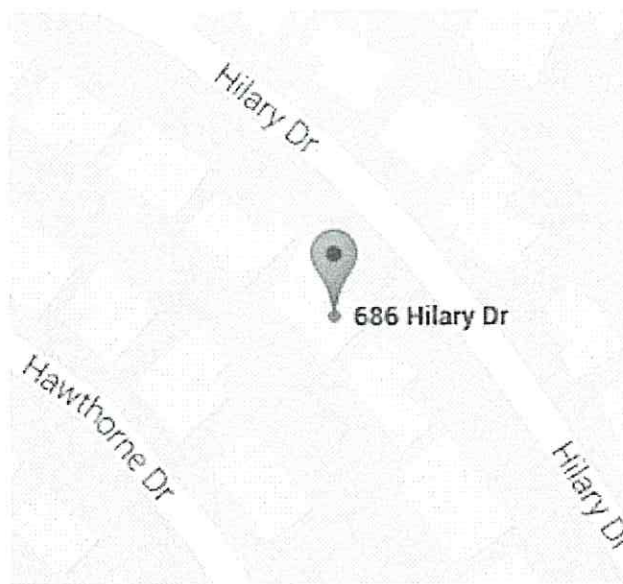
The floor area of the property would be increased by 226 square feet to a total of 2,034 square feet, which is 726 square feet less than the 2,760 square foot floor area ratio for this site. The

proposal would increase the lot coverage on the site by 226 square feet to a total of 2,623 square feet (34.5%), which is greater than the 30.0 % maximum lot coverage permitted in the R-1 zone. As a result, a variance is requested for excess lot coverage.

The proposed addition would extend to within 11 feet, 7 inches of the front property line. As a 15 foot front setback is required in the R-1 zone, a variance is required for reduced front setback.

A color and materials board has not been submitted, as the exterior of the proposed addition would match the colors and materials of the existing house.

PROJECT SETTING



The subject property is situated on a relatively level site on the lower side of Hilary Drive, across the street from homes at higher elevations on Hilary Drive and above the homes along Hawthorne Drive.

ANALYSIS

Design Issues

The location of the proposed addition would be visible from the street and other homes across Hilary Drive. Although the roofline of the addition would not exceed the height of the existing roof, the story poles indicate that the addition could intrude slightly into views of Richardson Bay and/or Sausalito from the home across the street at 683 Hilary Drive, but not enough to result in substantial view impacts on this nearby residence. The Design Review Board is encouraged to view the story poles from the home at 683 Hilary Drive.

The side of the addition would be screened from view from the adjacent home at 688 Hilary Drive. The addition would be only marginally visible from any other home in the vicinity and should not create any additional privacy or view impacts.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone, with the exception of the requested variances for reduced front setback and excess lot coverage.

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-52.030 (E) of the Tiburon Zoning Ordinance:

1. ***Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The 18,580 square foot size of the lot is somewhat smaller than the 20,000 square foot minimum lot size required in the RO-2 zone, but is similar in size to many of the lots in the surrounding Marinero subdivision. The lot is relatively level and roughly rectangular. Staff does not believe that these physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the maximum lot coverage requirement is strictly applied.

2. ***The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

Numerous other properties in the RO-2 and similar zones have been granted variances for excess lot coverage. However, in most instances such variances are granted to prevent adding upward to an existing house and are usually not accompanied by a floor area so far above the floor area ratio for the site. Therefore, the requested variance would appear to be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

3. ***The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.***

Staff therefore does not believe that the strict application of the maximum lot coverage requirements would result in practical difficulty or unnecessary physical hardship. As noted above, the existing house is developed to near its maximum floor area and lot coverage. It would not be a practical difficulty or an unnecessary hardship to preclude the applicants from adding a second master bedroom suite and expansive decks and maintaining a secondary dwelling unit on the site.

4. *The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.*

As noted above, the proposed project would create substantial view and other visual impacts for other homes in the vicinity.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance and floor area exception. It should be noted that the Design Review Board has generally not supported large floor area exceptions in connection with a request for a lot coverage variance.

Public Comment

As of the date of this report, two letters have been received supporting the subject application.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Carol Weiss, dated April 21, 2016
4. Letter from Gary and Marybeth Sheppard, dated May 3, 2016
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

686 HILARY DRIVE

FILE #DR2016028/VAR2016008/VAR2016012

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on March 9, 2016, or as amended by these conditions of approval. Any modifications to the plans of April 26, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction

period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site

9. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
10. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
11. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
12. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
 - a. Approved carbon monoxide and smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
13. The project shall comply with all requirements of the Richardson Bay Sanitary District.



TOWN OF TIBURON LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

- | | | |
|--|---|---|
| ☐ Conditional Use Permit | ☒ Design Review (DRB) | ☐ Tentative Subdivision Map |
| ☐ Precise Development Plan | ☐ Design Review (Staff Level) | ☐ Final Subdivision Map |
| ☐ Secondary Dwelling Unit | ☒ Variance(s) <u>2</u> # | ☐ Parcel Map |
| ☐ Zoning Text Amendment | ☐ Floor Area Exception | ☐ Lot Line Adjustment |
| ☐ Rezoning or Prezoning | ☐ Tidelands Permit | ☐ Condominium Use Permit |
| ☐ General Plan Amendment | ☐ Sign Permit | ☐ Seasonal Rental Unit Permit |
| ☐ Temporary Use Permit | ☐ Tree Permit | ☐ Other _____ |

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 686 Hilary Drive **PROPERTY SIZE:** 7600sf
PARCEL NUMBER: 055-182-15 **ZONING:** R1

PROPERTY OWNER: Ken Weil
MAILING ADDRESS: 686 Hilary Drive, Tiburon, CA 94920

PHONE/FAX NUMBER: 415-889-5139 **E-MAIL:** kweilsf@comcast.net

APPLICANT (Other than Property Owner): _____
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ **E-MAIL:** _____

ARCHITECT/DESIGNER/ENGINEER MW Design / Matthew Waitkus
MAILING ADDRESS: 18 Dormidera, Piedmont, CA 94611

PHONE/FAX NUMBER: 415-595-9184 **E-MAIL:** matt@mwdesign.org

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

214 SF addition to front master bedroom. Remodel of existing master bathroom. New walk in closet and laundry in master suite.

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature: * Kenneth S. Weil Date: 3/9/16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature: * Kenneth S. Weil Date: 3/9/16

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

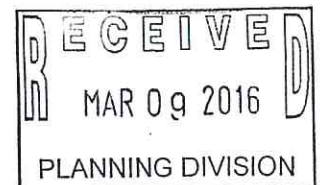
NOTICE TO APPLICANTS

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Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438 (Fax)
www.townoftiburon.org



VAR2016012

DO NOT WRITE BELOW THIS LINE

VAR2016008 / VAR2016009 DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016-028	GP Designation:	Fee Deposit: \$1385 ⁰⁰
Date Received: 3/9/2016	Received By: KO	Receipt #: R812
Date Deemed Complete: 4/27/16	Action:	By: DCS
Acting Body:		Date:
Conditions of Approval or Comments:		Resolution or Ordinance #

MINOR ALTERATION SUPPLEMENT

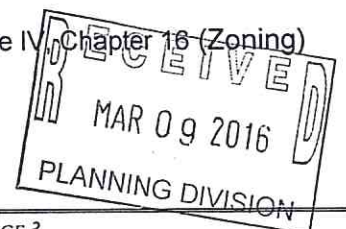
Please fill in the information requested below:

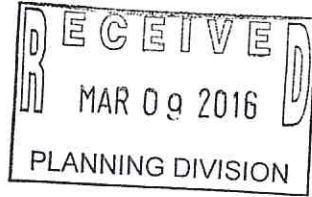
- Briefly describe the proposed project (attach separate sheet as needed):
214 SF ADDITION TO FRONT MASTER BEDROOM, REMOVAL
OF EXISTING MASTER BATH. NEW WALK IN CLOSET &
LAUNDRY IN MASTER.
- Lot area in square feet (Section 16-100.020(L))* 7600 Zoning: R1
- Square footage of Landscape Area: _____
- Proposed use of site (example: single family residential, commercial, etc.):
 Existing SFR
 Proposed SFR
- Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
N/A

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	15 ft.	11'-7" ft.	ft.	ft.	ft.
Rear	20 ft.	20 ft.	20 ft.	ft.	ft.
Right Side	5 ft.	- ft.	- ft.	ft.	ft.
Left Side	5 ft.	5 ft.	5 ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	12'-3" ft.	12'-3" ft.	12'-3" ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	2116 sq.ft.	2116 226 sq.ft.	2330 sq.ft.	2623 2482.5 sq.ft.	2280 sq.ft.
Lot Coverage as Percent of Lot Area	30 %	30 %	30 %	32.7 34.5 %	30.0 %
Gross Floor Area (Section 16-100.020(F))*	1808 sq.ft.	2116 226 sq.ft.	2022 sq.ft.	2034 sq.ft.	2760 sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code, Title IV, Chapter 16 (Zoning)

S:\Planning\Forms\Current Forms\Design Review Board Application for Minor Alteration 9-2012.doc





COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division (415)-435-7390
www.ci.tiburon.ca.us

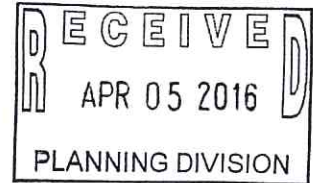
APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

[illegible]

Lot Coverage Findings
686 Hilary Drive, Tiburon, CA
March 8, 2016



1. Describe what special circumstances apply to the property (such as size, shape, topography, location or surroundings) that cause a strict application of the zoning regulations to deprive you of privileges enjoyed by other properties in the vicinity and same or similar zone.

Setback Variance:

The master bedroom to 686 Hilary is in the front south corner of the house. We are proposing an addition to this bedroom which will align with the face of the existing garage. The front property line is at an angle that prevents us from aligning the addition with the existing garage. The side setback at the existing house and proposed addition is currently 5'-0". The required setback is 8'-0". We are proposing to maintain alignment with the existing house on the side and will be encroaching the side setback by 3'-0".

2. Explain how granting of the variance would not result in a special privilege that is inconsistent with limitations on other properties in the vicinity and in the same or similar zone.

The existing topography of the property and surrounding area warrants a 1 story design for the addition, avoiding any unwanted blocked views from adjacent properties. The existing 8'-0" side setback is already encroached as the house was originally constructed with a 5'-0" side setback for houses in this area.

3. Explain how the strict application of the zoning regulations would result in a practical difficulty or unnecessary physical hardship. Self-created hardships shall not be considered.

A strict application of the towns zoning code would adversely create conflict with the Town's view ordinance.

4. Explain how granting of the variance would not be detrimental to the public welfare or injurious to other property in the vicinity.

Granting of this variance will protect the public welfare in such a way that it maintains desired views from adjacent properties and will not adversely affect the aesthetics of the existing structure or the character of the neighborhood.

Dan Watrous

From: Carol Weiss [carolweiss37@yahoo.com]
Sent: Thursday, April 21, 2016 9:48 AM
To: Dan Watrous
Cc: Weil Ken & Chris
Subject: 686 Hilary Drive

I approve of the proposed addition to my neighbors, Ken and Chris Weil's home, at 686 Hilary Drive.

Carol Weiss
684 Hilary Drive
Tiburon, CA 94920

Carol Weiss ☐
415/302-7529

GARY AND MARYBETH SHEPPARD
685 HILARY DRIVE
TIBURON, CALIFORNIA 94920

May 3, 2016

By Email: dwatrous@ci.tiburon.ca.us

Design Review Board
c/o Dan Watrous
Town of Tiburon
1505 Tiburon Blvd.
Tiburon, California 94920

Re: Letter In Support of Application of Ken and Chris Weil
DR2016028; VAR2016008; VAR2016012}
686 Hilary Drive
Tiburon, California 94920
Hearing Date: May 19, 2016

Ladies and Gentlemen,

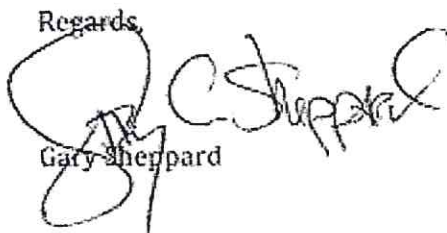
We will be out of the country on May 19, 2016 and submit this letter in support of the application of Ken and Chris Weil for setback and lot coverage variances and design review approval of their project.

We have resided at 685 Hilary Drive since 1987. We are located directly across the street from the Weil residence at 686 Hilary Drive. We have seen their plans to expand their bedroom outward toward Hilary Drive, have carefully noted the location of their story poles, and have discussed the project with Mr. and Mrs. Weil.

Moving their bedroom outward toward Hilary Drive does not impact us; does not infringe on our privacy; will not create more light or noise from the existing situation; does not impact our views; and is in harmony with the rest of the homes on Hilary Drive (some of which are older, some of which are newer, but nearly all of which have undergone upgrades and renovations over the years). Their project will be a fine upgrade to their home. Perhaps more importantly, tastefully done upgrades like this to older homes in the area constitute an overall benefit for the neighborhood.

We support their project and urge that you grant the requested front setback and lot coverage variances and design review approval as requested in their application.

Regards,


Gary Sheppard


Marybeth Sheppard



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 19, 2016
Agenda Item: **5**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 173 Stewart Drive; File No. DR2016036; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling
Reviewed By: _____

PROJECT DATA

ADDRESS: 173 STEWART DRIVE
OWNER: AFIE ROYO
APPLICANT: STEVE MCARTHUR (ARCHITECT)
ASSESSOR'S PARCEL: 055-101-21
FILE NUMBER: DR2016036
LOT SIZE: 7,553 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: APRIL 27, 2016

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

PROJECT DESCRIPTION

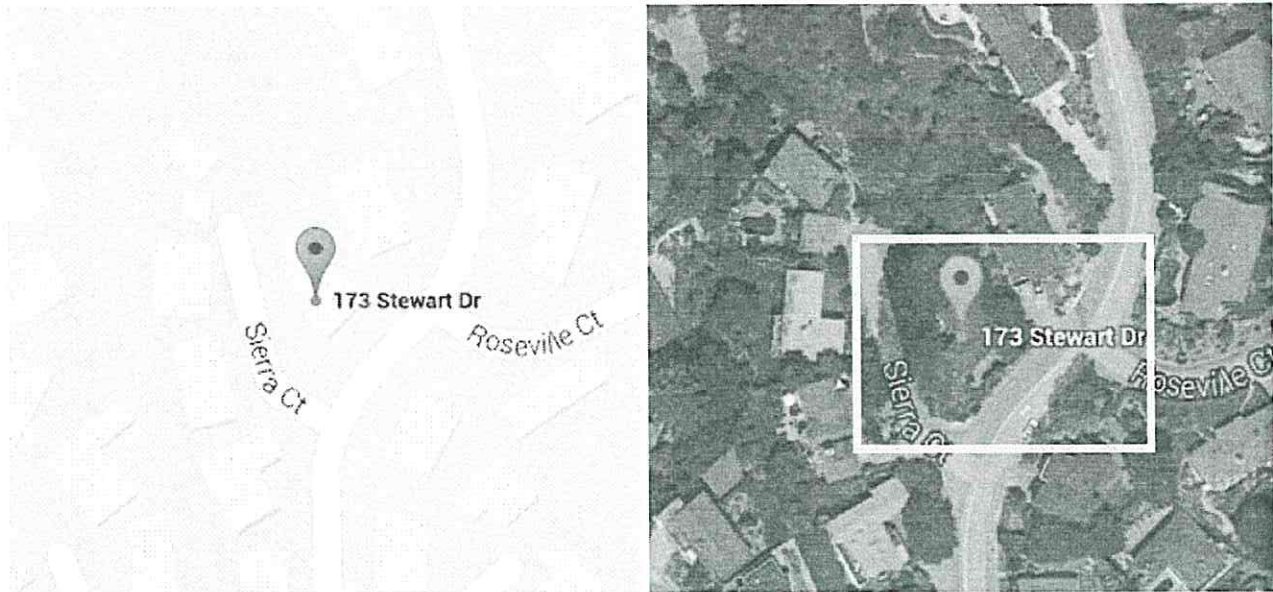
The applicant is requesting to construct a new two-story single-family dwelling. The existing single-family dwelling on the site shall be demolished.

The main level floor of the house would be expanded on all sides from the footprint of the existing house. The main floor would include a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a powder room. The lower garage level would include a two-car garage, laundry room, mud room and storage space. A new 6 foot tall wooden fence and gate would be installed along the right side of the lot facing Stewart Drive. Several mature Pine trees would be removed along the lower portion of the lot facing Sierra Court.

The proposal would increase the floor area on the site by 885 square feet to a total of 2,723 square feet with a 510 square foot garage, which would be 32 square feet less than the maximum floor area allowed for a lot of this size. The proposal would result in lot coverage of 2,264 square feet (30.0%), which is 2 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The proposed colors and materials for the home include beige colored stucco and wood siding with bronze trim. A dark bronze colored metal roof would be installed. A color and materials board will be available at the meeting for review by the Board.

PROJECT SETTING



The subject property is situated on a relatively level site midway up Audrey Court, above the level of homes along Acela Drive. Mature vegetation extends along the rear and south side of the house.

BACKGROUND

In 2015, a Site Plan and Architectural Review application (File No. DR2015015) was submitted for construction of additions to an existing two-story single-family dwelling. As more than 50% of the existing dwelling would be demolished as part of this project, the application was classified as the construction of a new single-family dwelling.

The application was first reviewed at the May 21, 2015 Design Review Board meeting. The project design presented at that time included expansions to both levels of the existing house and construction of a new upper level. At the meeting, several neighboring property owners objected to the height and mass of the proposed project and the owner of the adjacent home at 175 Stewart Drive raised concerns about potential view blockage and the visual mass when viewed from the kitchen, dining room and deck of her residence.

The Design Review Board shared some of these concerns and felt that the project would impact the home at 175 Stewart Drive, would look too tall and massive when viewed from below, and had too much glazing. The Board continued the application to the August 20, 2015 meeting to allow the applicant to submit revised plans.

Revised project plans were submitted which eliminated the previously requested upper floor addition. The main level of the house was reconfigured and expanded slightly to the left (west) of the house, adding one more bedroom and bathroom to this level and increasing the proposed floor area of the level from 168 square feet to a total of 2,332 square feet. A laundry room, workshop and entry were requested to be added to the garage level, placing 426 additional square feet of floor area on this level. The previously flat roof was replaced with a slightly pitched roofline.

The overall size of the proposed house was increased slightly to 2,755 square feet of floor area. The changes to the main level of the house increased the lot coverage on the site to 2,382 square feet (31.5%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone and necessitated a variance is requested for excess lot coverage.

At the August 20, 2015 meeting, neighboring property owners again objected to the height and mass of the proposed project. The Design Review Board determined that the house would appear too massive when viewed from below, possibly exacerbated by the placement of all the floor area onto the main level. The Board also had concerns about the accuracy of the plans and story poles and raised doubts about whether this lot could support a house at the maximum floor area allowed for a lot of this size.

The application was continued to the September 17, 2015 meeting. On August 27, 2015 the applicant withdrew the application.

ANALYSIS

Zoning

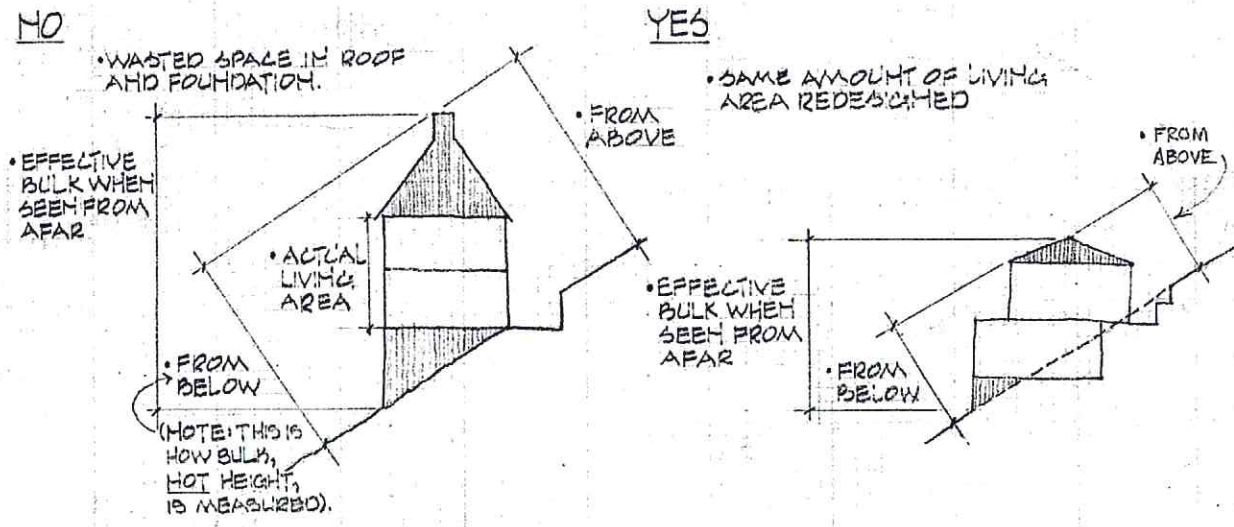
Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the R-1 zone.

Design Issues

The current plans are not substantially different from the plans reviewed by the Design Review Board at the August 20, 2015 meeting. The floor area of the house has been reduced by 2 square feet and the lot coverage reduced by 118 square feet. The depth of the house was increased by approximately 4 feet on the south side and 2 feet on the north side. The width of the house was decreased by about 10 feet. The height of the house varies, but would appear to exceed the existing ridge height by one foot on the southern portion of the building.

The proposed garage would be set back from the outline of the floor above. The garage door would be 14 back from the face of the master bedroom above. The master bedroom would also cantilever almost 4 past the side wall of the garage. As a result, the upper floor of the house would project past the lower floor at the point closest to Sierra Court and the area of most visual concern to the Design Review Board and neighbors at the previous meeting. The design would be

inconsistent with Goal 1 of the Hillside Design Guidelines to “reduce effective visual bulk of a structure and to avoid monumental and excessively large buildings” and Goal 1, Principle 1 to “cut [a] building into [the] hillside to reduce effective visual bulk.”



The project would remove three large Pine trees on the northwest side of the house. The trees currently screen much of the house from view along Sierra Court and their removal would open up some views of the new house from below the site.

Public Comment

As of the date of this report, one letter has been received regarding the subject application.

CONCLUSION

The current house design is not substantially different than the project that was reviewed at the August 20, 2015 meeting and therefore does not address many of the concerns raised at that meeting. In particular, the house would have almost all living area on the main level and the floor area is nearly at the FAR for this lot. The portions of the main floor that would project past the garage would not help lessen the visual mass of the building when viewed from below the site on Sierra Court. Staff believes that the Design Review Board should give direction to the applicant on specific design changes that need to be made to better address these previously raised concerns.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the application be continued to a later date and direction given to the applicant regarding recommended changes to the project design. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board staff report dated May 21, 2015
4. Design Review Board staff report dated August 20, 2015
5. Minutes of the May 21, 2015 Design Review Board meeting
6. Minutes of the August 20, 2015 Design Review Board meeting
7. Letter from Laurie James, dated May 11, 2016
8. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

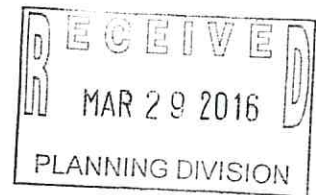
173 STEWART DRIVE

FILE #DR2016036

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on March 29, 2016, or as amended by these conditions of approval. Any modifications to the plans of April 18, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site

8. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
9. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. No changes of grade are allowed in the drainage easement without the approval of specific plans by the Town Engineer.
 - c. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage may discharge across sidewalks.
 - d. All site drains and ditches shall be privately maintained and shall be contained within private storm drain easements. The easement shall be 10 feet wide for any pipes outside the Town right-of-way.
 - e. The improvement plans shall show that all concentrated site drainage shall be directed to an under-sidewalk drain or an approved onsite storm drainage system.
 - f. If over 2,500 square feet of surface area will be added or replaced, the site must provide at least one Post Construction mitigation in accordance with Section E.12 of the Town's Municipal Stormwater Permit and the BASMAA Post-Construction Manual Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa and Solano Counties.
 - g. An erosion sediment control plan shall be prepared prior to issuance of a building permit for this project.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2

- b. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10 The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin.
 - c. CFC 304.1.2 Note that the existing pine trees require evaluation and not all of these trees may remain based on this evaluation.
 - d. Access gates shall be operable using the Fire District's "Knox" key system. CFC 503.6.2
13. The project shall comply with all requirements of the Richardson Bay Sanitary District.



TOWN OF TIBURON LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- | | | |
|--|--|---|
| ☐ Conditional Use Permit | ☒ Design Review (DRB) | ☐ Tentative Subdivision Map |
| ☐ Precise Development Plan | ☐ Design Review (Staff Level) | ☐ Final Subdivision Map |
| ☐ Secondary Dwelling Unit | ☐ Variance(s) _____ # | ☐ Parcel Map |
| ☐ Zoning Text Amendment | ☐ Floor Area Exception | ☐ Lot Line Adjustment |
| ☐ Rezoning or Prezoning | ☐ Tidelands Permit | ☐ Condominium Use Permit |
| ☐ General Plan Amendment | ☐ Sign Permit | ☐ Seasonal Rental Unit Permit |
| ☐ Temporary Use Permit | ☐ Tree Permit | ☐ Other _____ |

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 173 STEWART DR PROPERTY SIZE: 7553 SF.
PARCEL NUMBER: 055-101-021 ZONING: R-1

PROPERTY OWNER: ARIE ROYO
MAILING ADDRESS: 315 NORTH STREET
SAUSALITO CA 94965
PHONE/FAX NUMBER: (916) 768-7680 E-MAIL: AFIEROYD@GMAIL.COM

APPLICANT (Other than Property Owner): JOSEPH FARRELL ARCHITECT
MAILING ADDRESS: 1 COMMERCIAL BLVD, #106
NORATO CA 94949
PHONE/FAX NUMBER: 415 884 2860 E-MAIL: JFARRELL@FARRELLARC.COM

ARCHITECT/DESIGNER/ENGINEER (SEE ABOVE)
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ E-MAIL: _____

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
PROJECT IS A MAJOR REMODEL WITH ADDITIONS TO AN EXISTING
SINGLE FAMILY RESIDENCE. NEW HOME WILL BE COMPLETELY
BE REMODELLED TO A 3-BR/ 2 1/2 BATH HOME.

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:*

Date: 3-29-16

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Signature:*

Date: 3-29-16

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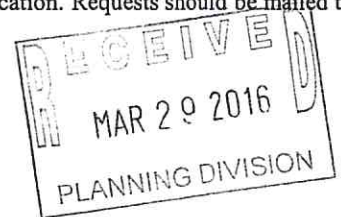
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Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438 (Fax)
www.townoftiburon.org



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016-036

GP Designation:

Fee Deposit: WAIVED

Date Received: 3/29/16

Received By: LS

Receipt #:

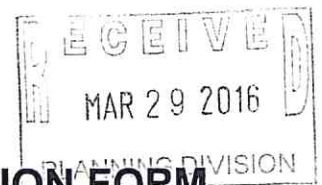
Date Deemed Complete: 4/27/16

By: DW

Acting Body:

Action:

Date:



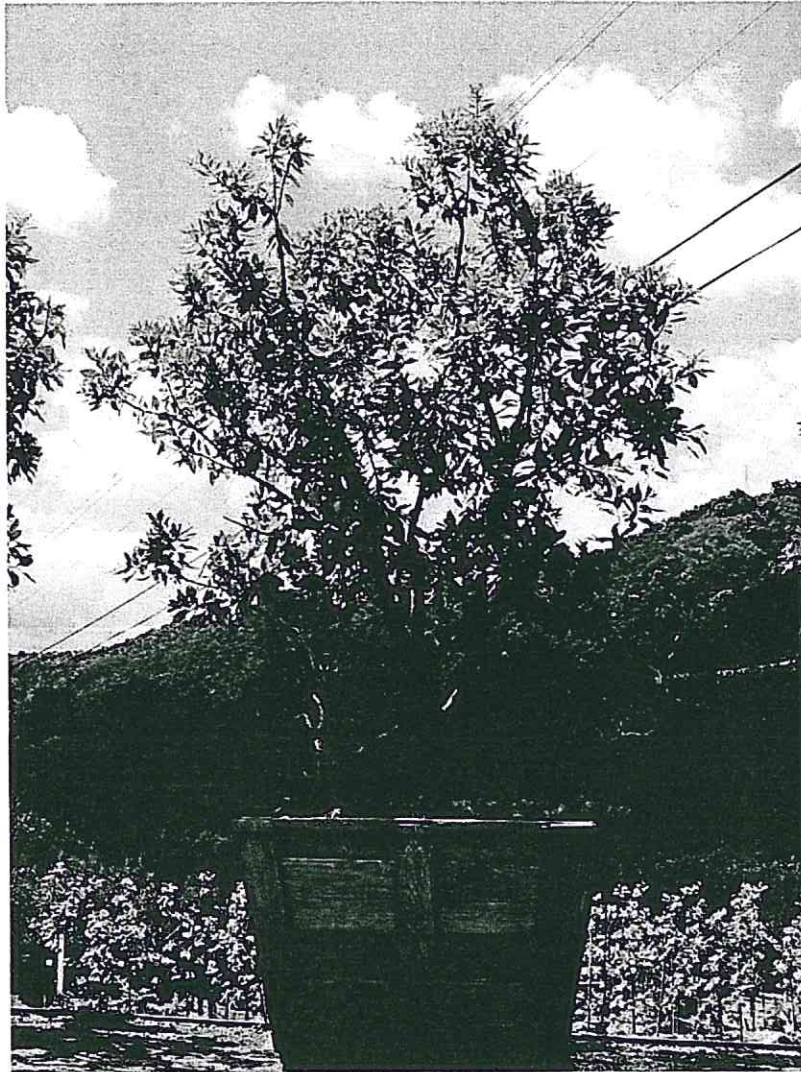
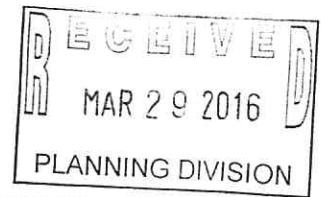
DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

Please fill in the information requested below (attach separate sheet as needed):

1. Briefly describe the proposed project: PROJECT IS A MAJOR REMODEL/ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE. THE EXISTING WILL HAVE ALL UPPER LEVEL WALLS REMOVED. NEW WALLS AND ADDITIONS ARE PROPOSED KEEPING THE STRUCTURE A 2-STORY HOME. THE EXISTING WOOD DECK AT THE SOUTH CORNER OF PROPERTY WILL BE REMOVED AND A NEW PATIO ON GRADE WILL BE PROVIDED FURTHER BACK. DRIVEWAY TO BE REPAIRED.
2. Lot area in square feet (Section 16-100.020(L)): 7553 SQ. FT.
3. Square footage of Landscape Area: 3694 SQ. FT.
4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing SINGLE FAMILY RESIDENCE
 Proposed SINGLE FAMILY RESIDENCE
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
NO CHANGES IN PARKING

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Setbacks from property line (Section 16-100.020(Y))* Front	0'-4" ARBOR ft.	15'-0" ft.	15'-0" ft.	ft.	ft.
Rear	6'-9 1/2" ft.	59'-5" ft.	59'-5" ft.	ft.	ft.
Right Side	11'-10 1/2" ft.	9'-5" ft.	9'-5" ft.	ft.	ft.
Left Side	22'-4 1/2" ft.	14'-0" ft.	14'-0" ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	24'-10" ft.	25'-4" ft.	25'-4" ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	1713 sq.ft.	551 sq.ft.	2264 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	22.7 %	7.2 %	29.9 %	%	%
Gross Floor Area (Section 16-100.020(F))*	1786 sq.ft.	944 sq.ft.	2730 sq.ft.	sq.ft.	sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code Chapter 16 (Zoning)



Arbutus 'Marina' Multi Trunk Tree



***Pedersen Associates
Landscape Architecture***

Peder Jens Pedersen ASLA

24 H Street

San Rafael CA 94901

415 456 2070

415 456 2086 F

CA Reg. No. 2300

HI Reg. No. 7273

Royo Residence - 173 Stewart Drive, Tiburon, 3/23/16



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 21, 2015
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 173 Stewart Drive; File No. DR2015015; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling
Reviewed By: _____

PROJECT DATA

ADDRESS: 173 STEWART DRIVE
OWNER: AFIE ROYO
APPLICANT: STEVE MCARTHUR (ARCHITECT)
ASSESSOR'S PARCEL: 055-101-21
FILE NUMBER: DR2015015
LOT SIZE: 7,553 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: APRIL 30, 2015

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

PROJECT DESCRIPTION

The applicant is requesting to construct additions to an existing two-story single-family dwelling. As more than 50% of the existing dwelling would be demolished as part of this project, the application has been classified as the construction of a new single-family dwelling.

The main level floor of the house would be expanded toward the front and left sides, and would include a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a laundry room. A new upper level would include a master bedroom suite and balcony. The lower garage level would be slightly expanded with additional crawl spaces. An existing chimney on the right side of the house would be removed and a new chimney installed on the front of the building. A new 6 foot tall wooden fence and gate would be installed along the right side of the

lot. Several mature Pine trees would be removed along the lower portion of the lot facing Sierra Court.

The proposal would increase the floor area on the site by 1,082 square feet to a total of 2,755 square feet with a 600 square foot garage, which would be the maximum floor area allowed for a lot of this size. The proposal would result in lot coverage of 2,265 square feet (30.0%), which is 1 square foot less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The proposed colors and materials for the home include beige colored stucco with brown trim. A dark bronze colored metal roof would be installed. A color and materials board will be available at the meeting for review by the Board.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the R-1 zone.

Design Issues

The subject property slopes is situated at the northwest corner of Stewart Drive and Sierra Court. The existing house contains all its floor area on the main level, with a garage on a level below accessing Sierra Court. The house is situated on a relatively level area toward the top of the lot and the site slopes down sharply to the north and west toward Sierra Court.

The plans do not appear to accurately reflect the relationship of the proposed additions to the slope of the lot. The proposed plans indicate crawl space to be created at the garage level that would extend beneath additions proposed to the main level of the house. The section drawings indicate that all new crawl space would be less than 7 feet in height, which would therefore not be counted as floor area. However, these drawings show the slope adjacent to the garage (Drawing 3/A6) beginning midway up the side of the garage wall and the slope outside the existing crawl space (Drawing 1/A6) at an even slope, while in reality the slope drops sharply away from both of these points. As a result, the crawl spaces proposed would be substantially taller and would count as floor area, necessitating a floor area exception.

The proposed upper level would most directly affect the adjacent home to the north at 175 Stewart Drive. The addition would be situated only 8 feet from the shared property line and approximately 23 feet from the deck connecting to the kitchen and dining room of the neighboring residence. When viewed from the neighbor's kitchen the story poles for the upper addition appear to be very close and would occupy a central portion of the foreground view from this room.

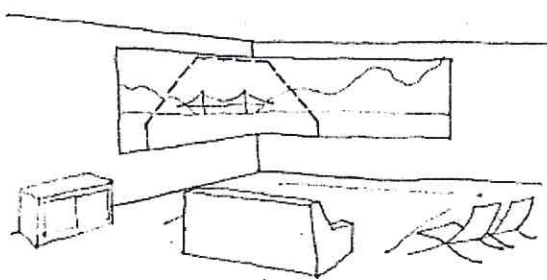
The proposed removal of several large Pine trees would open up some views of Richardson Bay from the adjacent home. It is difficult to determine whether the proposed upper level would extend into the water view from the neighboring kitchen once the trees are removed.

The following principles of the Hillside Design Guidelines should be used in evaluating the potential view impacts from the neighboring home:

Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).” The upper level of the proposed house addition would intrude into the views from the kitchen, dining room and adjacent deck of the home at 175 Stewart Drive.

NO

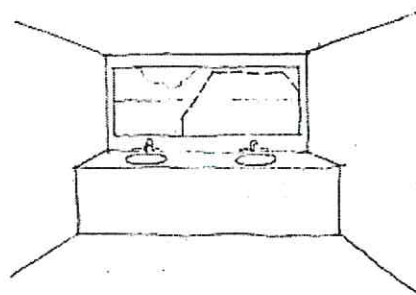
• PROPOSED STRUCTURE
BLOCKS LIVING ROOM VIEW -



• GREAT IMPACT ON
LIVABILITY

YES

• PROPOSED STRUCTURE
BLOCKS BATHROOM VIEW

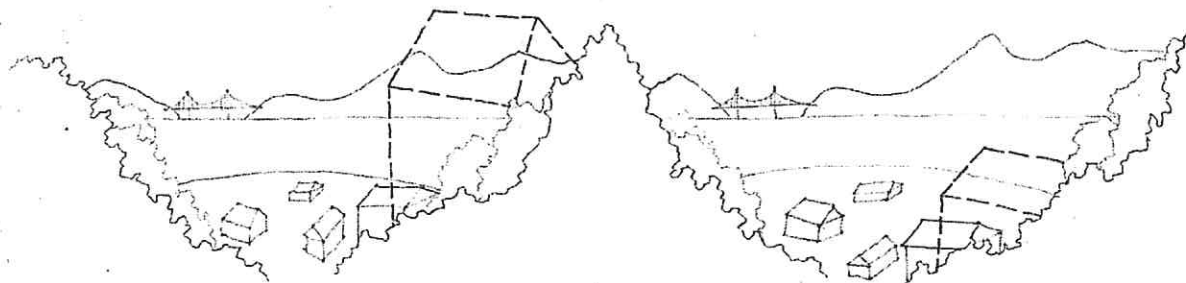


• LITTLE IMPACT ON
LIVABILITY

Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that the “horizon line is [the] most sensitive part of [the] view, then foreground, then middleground.” The proposed upper level would be in the foreground view from the home at 175 Stewart Drive.

NO

YES

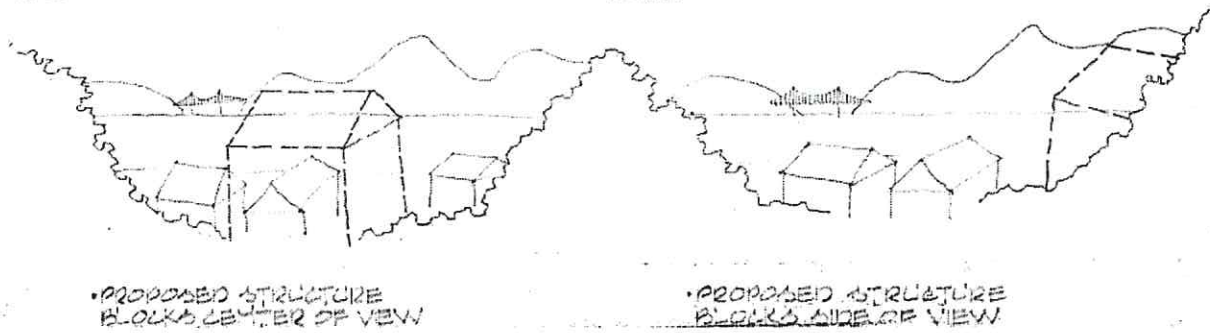


Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that “blockage of center of [the] view [are] more damaging than blockage of [the] side of [the] view.” The proposed upper level would intrude into the center of the view from several vantage points in the home at 175 Stewart Drive.

C. BLOCKAGE OF CENTER OF VIEW MORE DANGEROUS THAN BLOCKAGE OF SIDE OF VIEW.

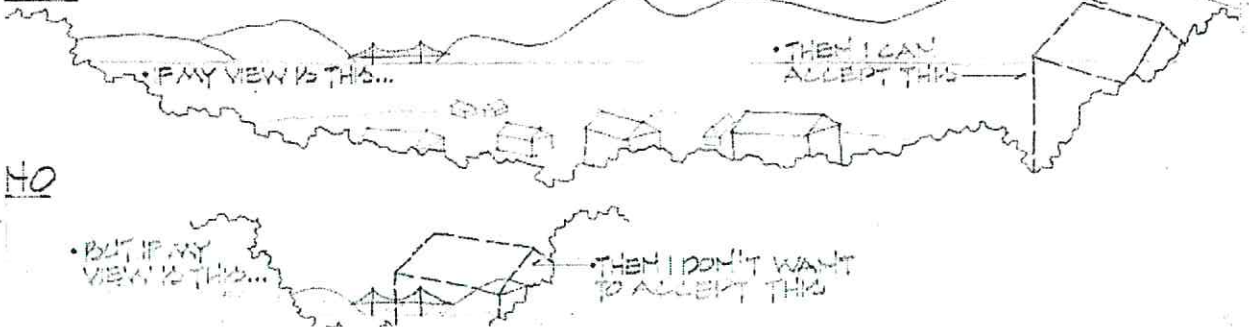
NO

YES



Goal 3, Principle 7 (E) of the Hillside Design Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The house at 175 Stewart Drive has a relatively wide panoramic view, including the Golden Gate Bridge, much of Richardson Bay and Sausalito. The proposed upper level would block only a small portion of the lower level water views from the primary living areas of the adjacent residence.

YES



In addition, the Design Review Board has historically not supported additions that capture views for secondary areas of a house, such as the proposed upper level master bedroom suite, that come at the expense of views from the primary living areas of other nearby homes. The Design Review Board is encouraged to view the story poles for the proposed house from the home at 175 Stewart Drive to fully evaluate its potential view and visual impacts.

Staff believes that the proposed upper level of the house is unnecessarily close to the residence at 175 Stewart Drive and that the plans do not accurately indicate the proposed crawl spaces and the calculated floor area of the new house. Staff recommends that the application be continued to a later date with direction to the applicant to address these issues.

Public Comment

As of the date of this report, no letters have been received regarding the subject application.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the application be continued to a later date and direction given to the applicant regarding recommended changes to the project design. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager



STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 173 Stewart Drive; File No. VAR2015015; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage (Continued from May 21, 2015)

Reviewed By: _____

BACKGROUND

The applicant is requesting to construct additions to an existing two-story single-family dwelling. As more than 50% of the existing dwelling would be demolished as part of this project, the application has been classified as the construction of a new single-family dwelling.

The application was first reviewed at the May 21, 2015 Design Review Board meeting. The project design presented at that time included expansions to both levels of the existing house and construction of a new upper level. At the meeting, several neighboring property owners objected to the height and mass of the proposed project and the owner of the adjacent home at 175 Stewart Drive raised concerns about potential view blockage and the visual mass when viewed from the kitchen, dining room and deck of her residence.

The Design Review Board shared some of these concerns and felt that the project would impact the home at 175 Stewart Drive, would look too tall and massive when viewed from below, and had too much glazing. The Board continued the application to the June 18, 2015 meeting to allow the applicant to submit revised plans.

Revised project plans have now been submitted. The revised plans eliminate the previously requested upper floor addition. The main level of the house has been reconfigured and expanded slightly to the left (west) of the house, adding one more bedroom and bathroom to this level and increasing the proposed floor area of the level from 168 square feet to a total of 2,332 square feet. A laundry room, workshop and entry would be added to the garage level, placing 426 additional square feet of floor area on this level. The previously flat roof has been replaced with a slightly pitched roofline.

The overall size of the proposed house has been increased slightly. The current house contains 1,604 square feet of floor area. The previous application requested 2,728 square feet of floor area. The current proposal would allow 2,758 square feet of floor area, which is 3 square feet above the floor area ratio for a lot of this size. The applicant has indicated that they misinterpreted the Town's floor area ratio guidelines and have agreed to reduce the floor area of the house to

comply with the FAR standards. A draft condition of approval has been included requiring compliance with the maximum FAR for this lot.

The changes to the main level of the house would increase the lot coverage on the site to 2,382 square feet (31.5%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. As a result, a variance is requested for excess lot coverage.

ANALYSIS

Design Issues

The revised project design appears to be responsive to the direction given by the Design Review Board at the May 21, 2015 meeting. Removing the proposed upper level would lessen the height and mass of the house when viewed from below and substantially reduce the total amount of glazing for the house, particularly on the front of the building.

The height reduction would also substantially reduce the visual mass visible from the home at 175 Stewart Drive. The highest point of the new pitched roof would be about 4 feet lower than the peak of the previous house design. The revised design would both lower the height of the proposed house from the previous design and eliminate the bulk created by the upper level.

The Design Review Board is encouraged to view the story poles for the proposed house from the home at 175 Stewart Drive to fully evaluate its potential view and visual impacts.

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the R-1 zone, with the exception of the requested variance for excess lot coverage and the abovementioned incorrectly calculated floor area.

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-52.030 (E) of the Tiburon Zoning Ordinance:

1. ***Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The 7,553 square foot size of the lot is smaller than the 10,000 square foot minimum lot size required in the R-1 zone. The lot slopes is roughly triangular and slopes steeply up from Sierra Court. These physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the maximum lot coverage requirement is strictly applied.

2. ***The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

Numerous other properties in the R-1 and similar zones have been granted variances for excess lot coverage to prevent adding upward to an existing house, if not accompanied by a floor area exception request. Therefore, the requested variance would not be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

3. *The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.*

The strict application of the maximum lot coverage requirements would force the applicant to add an upper level to the house which would result in unnecessary visual mass and bulk for the adjacent home at 175 Stewart Drive. The inability to add this upper floor would therefore result in a practical difficulty for the applicant.

4. *The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.*

As noted above, the proposed project would not create any view or privacy impacts for other homes in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

As of the date of this report, one letter has been received regarding the subject application since the May 21, 2015 meeting.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Revised application materials
3. Design Review Board staff report dated May 21, 2015

possible to move the home away from the Chen residence by an additional six feet. He said that the height was reduced by 6 ½ feet and by 10 feet over the garage and the floor area reduced by 110 square feet. He said that they eliminated the pool and 90% of the lawn and eliminated the outdoor kitchen. He said that they would construct a deer fence and small yard wall between the neighboring properties and plant three 17-foot screening trees and 24 large shrubs for the purpose of screening before construction begins.

The public hearing was opened.

George Chen stated that they met with the applicant and viewed the revised plans. He felt that they have made an effort to provide privacy and they came to an agreement that allows them to support the project.

The public hearing was closed.

Boardmember Kricensky said that the applicant did an excellent job of responding to the Board's concerns. He felt that the redesign was more consistent with the Hillside Guidelines and fit the site better than the previous design.

Boardmember Emberson said that she visited the site and the redesign was perfectly reasonable.

Boardmember Chong stated that he also visited the site and felt that the redesign was what he was hoping for and he supported the project.

Chair Cousins also commended the applicant and said that he was happy with the changes that were made in response to the Board's concerns.

ACTION: It was M/S (Chong/Kricensky) that the request for 125 Antonette Drive is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval, and the additional conditions of approval to reflect the neighbors' May 19, 2015 agreement stating that a six-foot deer fence, a retaining wall, and landscaping shall be installed along the north side property line. Vote: 4-0.

E. PUBLIC HEARINGS AND NEW BUSINESS

- 2. 173 STEWART DRIVE:** File No. DR2015015; Afie Royo, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new two-story, 2,755 square foot house with a 600 square foot garage. Assessor's Parcel No. 055-101-21.

The applicant is requesting to construct additions to an existing two-story single-family dwelling. As more than 50% of the existing dwelling would be demolished as part of this project, the application has been classified as the construction of a new single-family dwelling.

The main level floor of the house would be expanded toward the front and left sides, and would include a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a

laundry room. A new upper level would include a master bedroom suite and balcony. The lower garage level would be slightly expanded with additional crawl spaces. An existing chimney on the right side of the house would be removed and a new chimney installed on the front of the building. A new 6 foot tall wooden fence and gate would be installed along the right side of the lot. Several mature Pine trees would be removed along the lower portion of the lot facing Sierra Court.

The proposal would increase the floor area on the site by 1,082 square feet to a total of 2,755 square feet with a 600 square foot garage, which would be the maximum floor area allowed for a lot of this size. The proposal would result in lot coverage of 2,265 square feet (30.0%), which is 1 square foot less than the 30.0% maximum lot coverage permitted in the R-1 zone.

Steve McArthur, designer, said that the note in the staff report about the upstairs balcony should instead refer to an upstairs "landing." He said that they tried to maximize the house on a very odd-shaped lot with a very steep slope and were not asking for any variances. He said that they kept the height down as much as possible with 8 foot ceiling heights and a low-pitched roof.

Chair Cousins asked about the crawl spaces, and Mr. McArthur said that the crawl spaces could be eliminated and they could elevate the floor area above on columns similar to the other areas of the house.

Chair Cousins asked if they are moving the driveway from its current location. Mr. McArthur confirmed that they would not move it, but one of the bedrooms would go on the top of it. Boardmember Kricensky pointed out that one of the story poles was in the driveway. Boardmember Emberson also stated that one of the story poles is in the middle of the driveway and another is to the side, in the location of the proposed columns.

Afie Royo, owner, stated that the pole in the driveway was used to access the roof and was not removed. She said that the pole did not denote anything and the story poles that need to be looked at are on the roof of the house. She confirmed that the driveway would stay the same.

The public hearing was opened.

Joan Foster said that she agreed with staff's analysis about the impact of this house on 175 Stewart Drive. However, she felt that the staff report did not go far enough, and she was concerned that it might mislead the applicant to thinking the only problems are those described in the staff report. She said that the house sits on a hill and the trees in between screen the mass of the house, but about half of those trees would be removed and this would look like a massive structure when viewed from street level. She said that she was concerned about the mass and the height from the downhill side. She said that she walked up the hill and could see all of the pool, hot tub, and deck of the neighboring house. She felt that this would result in a loss of privacy and when the trees come down it would have even more of an impact. She said that she was also concerned about the instability of the lot, stating that the hillside came down in the 1980s and slid into the swimming pool of the lower level. She said that if the trees were to be removed there should be a landscaping plan to address that loss of privacy.

Blair Foster said that there was a setback discrepancy on the rear of the plans, as Sheet A0 shows the existing setback as 32 feet, with the proposed at 25 feet, leaving 7 feet, while Sheet A1 shows an 8 foot addition, which would put the addition outside of the setback. Chair Cousins said that the internal dimension of the closet is 8 feet plus the wall.

Mr. Foster said that the house would be too large and tall for the neighborhood and would not match any other houses in the Reed Heights area. He said that the house would have a large impact on 7 and 11 Sierra Court. He said that the removal of the trees would allow everything to be seen and it would look massive. He requested placing ribbons between the story poles to give neighbors a better idea of the impact of the project.

Bibi Assad said that she would be most affected by the project since she is the immediately adjacent neighbor. She agreed with everything stated by the Fosters. She said that her main concern was that the project would take away about 80% of the view from her living room, dining room, and kitchen. She said that if this was built, she would be looking at a house only a few feet away from her and it would take away her view of the water. She stated that the other houses on the street do not block any views and have been carefully placed.

Laurie James said that she lives across the street from the project and she agreed with the comments of all of her neighbors. She believed that it was important to consider the height restriction of 22 feet created when the neighborhood was first subdivided and this project would be taller than that. She said that the upper bedroom with a landing and bathroom would include windows all the way across and she was concerned that those windows could be a privacy issue if they are low enough for someone to look out of them. She asked for a construction timeline to prevent an ongoing project in the neighborhood.

Vivien Jacobs said that a number of people object to the proposed building height. She said that she was not aware that the house had been sold and was unaware of the proposed project until she received the notice from the town. She said that she lives below the property and was concerned about the screening being removed. She said that the site overhangs her property and her privacy is already impacted by afternoon sun shining off the windows, and she questioned whether more windows were needed. She said that the property is beautiful and the amount of proposed excavation could cause a great deal of damage.

Susan Shaw agreed with the comments by her neighbors. She said that she was most concerned about the massiveness of the project and also questioned what the landscaping would look like and how it would affect the look and feel of the court. She said that she would be much more comfortable if the project was less massive.

Mr. McArthur addressed the discrepancy in the setback at the rear of the property and said that it was due to an existing one foot cantilever that would be removed on that side of the house.

Boardmember Chong said that it was clear that the intent of the project was to maximize the floor area of the project and he asked the applicant if they considered any other options. Mr. McArthur stated that they could have a flat roof but there was nowhere else to build because of the slope of the lot.

The public hearing was closed.

Boardmember Chong said that he visited 175 Stewart Drive and it was clear there would be a large impact on that property and many trees would be removed. He agreed with staff's comments regarding the proximity of the upper level to the home at 175 Stewart Drive. He stated that projects that would have impacts on neighbors are not always allowed to have their maximum FAR. He said that without the trees the upper level would take out a large portion of the water view from the dining room, kitchen and deck of the neighbor.

Boardmember Kricensky said that the existing house is rather small, so expansion should be possible. He said that this is a very hard lot to work with because of its steepness. He characterized the story poles as alarming, but it would not have a towering façade as depicted on the elevation drawings, although it was hard to visualize what it would actually look like, as he thought that the garage level additions were not well described. He noted that there are two-story homes in the neighborhood like this one.

Boardmember Emberson stated that the upper level would not be visible when looking up from below. She said that she would not want to look at the new row of windows and felt that the home above the property would suffer the most.

Chair Cousins stated that this is a very unusual site because it falls more than 20 feet from one side to the other. He said that from Sierra Court this would feel like a four-story home and would appear massive. He said that another story could be added underneath the house with very little excavation. He said that he visited 175 Stewart Drive and although the new house would be lower, it would still look very large. He felt that the amount of glazing proposed and the massing would make this project out of character with its surroundings. He said that there were other possible areas to expand the house that would still have excellent views and be less impactful.

Boardmember Kricensky stated that the glazing would be excessive, especially on the upper level. He believed that the application needed more work.

Chair Cousins stated that the design had large plate heights and too much glazing. He said that the crawl space areas needed to be treated as part of the volume of the house.

Boardmember Emberson felt that this project did not fit in with the neighborhood at all. She stated that the house may need to be smaller, rather than trying to maximize the floor area.

Boardmember Chong stated that it was hard to imagine an upper level to this house that would not impact the neighbors at 175 Stewart Drive. Chair Cousins said that the amount of glazing also needed to be addressed. Boardmember Kricensky stated that it could be possible to move the upper level over.

Ms. Royo asked for additional direction from the Board. It was the consensus of the Board that the project was too tall, felt too massive and had too much glazing.

ACTION: It was M/S (Emberson/Chong) to continue the application for 173 Stewart Drive to the June 18, 2015 meeting. Vote: 4-0.

3. **122 BLACKFIELD DRIVE:** File No. DR2015043; Peter and Julia Berta, Owners; Site Plan and Architectural Review for conversion of an existing attached garage into living space for an existing single-family dwelling. The applicant proposes to convert a 268 square foot one-car garage into living space, which would include a new kitchen and laundry room with storage space. Assessor's Parcel No. 034-172-23.

The applicant is requesting design review approval to convert an existing attached garage into living space for an existing single-family dwelling, on property located at 122 Blackfield Drive in the Bel Aire neighborhood. As part of an interior remodel, the proposal consists of converting a 268 square foot one-car garage into living space, which would include a new kitchen, and laundry room with storage space. Other improvements include new landscaping, and expanded driveway, expanded patio area in rear yard, and modified windows and doors on all sides of the existing home.

The proposal would result in a floor area of 1,370 square feet, which is below the maximum floor area ratio for the property (2,750 square feet). The proposal would result in no change to the existing lot coverage of 1,370 square feet (18.2%).

Peter and Julia Berta, owners, explained that they wish to convert their one-car garage to provide more sensible interior space for their house. They stated that they would only really be converting a portion of the garage, leaving storage space in the remainder of the garage.

There were no public comments.

Boardmember Kricensky stated that the Board had previously approved other garage conversions like this one. He said that he was unsure what would happen to the storage space if the property was sold.

Chair Cousins stated that the only reason the Board was reviewing this application is that there is no space for a replacement garage. He agreed that the Board had approved other similar requests and he thought that this was a reasonable proposal.

Boardmember Emberson stated that there was area to expand the house toward the rear. Boardmember Kricensky noted that there was actually plenty of space to park cars in the driveway.

Boardmember Chong stated that he visited the site and although the project did not technically comply with the Town's garage conversion policy, other similar requests had been approved in the past. He said that a new garage could easily be built later. He said that the project would not impact neighbors and was a good and responsible way to add onto a house in this neighborhood.

**MINUTES #14
TIBURON DESIGN REVIEW BOARD
MEETING OF AUGUST 20, 2015**

The meeting was opened at 7:00 p.m. by Chair Tollini.

A. ROLL CALL

Present: Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins and Emberson

Absent: None

Ex-Officio: Planning Manager Watrous and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous noted that the item for 36 Linda Vista Avenue was continued to the September 17, 2015 meeting, and the item for 7 Park Place was continued to the September 3, 2015 meeting.

D. OLD BUSINESS

1. **173 STEWART DRIVE:** File No. VAR2015015; Afie Royo, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct a new two-story, 2,755 square foot house with a 600 square foot garage. The lot coverage of the house would increase to 2,382 square feet (31.5%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Assessor's Parcel No. 055-101-21.

The applicant is requesting to construct additions to an existing two-story single-family dwelling. The application was first reviewed at the May 21, 2015 Design Review Board meeting. The project design presented at that time included expansions to both levels of the existing house and construction of a new upper level. At the meeting, several neighboring property owners objected to the height and mass of the proposed project and the owner of the adjacent home at 175 Stewart Drive raised concerns about potential view blockage and the visual mass when viewed from the kitchen, dining room and deck of her residence. The Design Review Board shared some of these concerns and felt that the project would impact the home at 175 Stewart Drive, would look too tall and massive when viewed from below, and had too much glazing. The Board continued the application to the June 18, 2015 meeting to allow the applicant to submit revised plans.

Revised project plans were submitted. The revised plans eliminated the previously requested upper floor addition. The main level of the house was reconfigured and expanded slightly to the left (west) of the house, adding one more bedroom and bathroom to this level and increasing the

proposed floor area of the level from 168 square feet to a total of 2,332 square feet. A laundry room, workshop and entry would be added to the garage level, placing 426 additional square feet of floor area on this level. The previously flat roof was replaced with a slightly pitched roofline.

The overall size of the proposed house was increased slightly. The current house contains 1,604 square feet of floor area. The previous application requested 2,728 square feet of floor area. The current proposal would allow 2,758 square feet of floor area, which is 3 square feet above the floor area ratio for a lot of this size. The applicant has indicated that they misinterpreted the Town's floor area ratio guidelines and have agreed to reduce the floor area of the house to comply with the FAR standards. A draft condition of approval has been included requiring compliance with the maximum FAR for this lot. The changes to the main level of the house would increase the lot coverage on the site to 2,382 square feet (31.5%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. As a result, a variance was requested for excess lot coverage.

Steve McArthur, designer, said that they considered all of the comments from the last meeting and submitted the revised plans. He said that they removed the upper level and extended the project toward the north, which allowed them to preserve views, but would require removing some trees.

The public hearing was opened.

Joan Foster distributed a summary of her issues and said that she was concerned about the height of the project. She said that the plans show a height of 25 feet, 6 ½ inches, plus 2 feet for the workshop, and then a minimum of 10 feet to reach the street level, which would result in a mass of solid stucco that would be 37 feet, 6 ½ inches tall. She said that although the house would have two stories, the impact would be of a more than three story structure. She disagreed with the reasoning for granting the variance as her and other lots in the vicinity were also less than 10,000 square feet. She said that the applicant knew the size and topography of the property when she purchased the property this was therefore a self-created hardship. She stated that increasing the size of the house to accommodate a workshop with a bedroom on top would create a problem. She said that the house would affect privacy and have visual impacts on 175 Stewart Drive and the homes on Sierra Court. She requested that the house be greatly reduced in size from what was being proposed. She stated that most people use their garages for a workshop and she felt the workshop was unnecessary and that space could be used instead for the bedroom.

Laurie James agreed with Ms. Foster's comments. She said that she was happy to see some modifications from the previous plan, but still had concerns with the project. She was concerned about the metal roof when the majority of the houses in the neighborhood have composition roofs. She thought that the setbacks on the site were misleading due to the irregular shape of the lot. She stated that the height limit in the Little Reed Heights neighborhood is 22 feet and the additional height of the proposed house would not be in scale with the neighborhood. She also suggested that the stucco finish be reviewed and requested a rendition of how it would look.

Marshall Foster discussed the extension of the northwest portion of the house and said that the closest point would be within 7 feet of the sidewalk. He was concerned about the building height

and the removal of trees. He stated that in the 1980's there was a landslide and the hillside came down, and he expressed concern that the removal of trees would further destabilize the hillside.

Bibi Assad stated that the revised project would still obstruct her views from both the upper and lower floors of her home. She said that she would like to see the height reduced and said that there would also be view impacts on other neighbors on Sierra Court. She said that the trees create privacy and she was concerned that their removal would impact that. She felt that it was unfair that she would lose so much and the applicant would gain so much.

Vivien Jacobs said that she sent in a letter with a 1956 map of the neighborhood. She was disappointed that the project was so large. She disputed the side yard setback along Sierra Court and felt that it should be 15 feet along the street. She expressed concern about drainage on the hillside and felt that the revision did not appropriately address the issues. She felt that more information should have been provided in the presentation of the revised project.

Margarita Perry said that she is the past president of Tiburon Knolls Homeowners Association. She brought a copy of the deed restriction showing the 22 foot height restriction in place in the neighborhood. She asked that this house be kept to the 22 foot height limit. She said that they would like to see a beautiful structure and are disappointed that the owner and developer have not met with the neighbors to discuss the plan. She said that both views and the integrity of the neighborhood are important. She asked the Board to consider the mass of the structure, the neighbors, and the impact on the neighborhood. She also asked the Board to consider the amount of glazing because it would be like a bright beacon at night.

Vice-Chair Kricensky stated that the Design Review Board represents the Town and the HOA has its own separate process for approval, and he asked if the HOA CC&Rs require approval for anyone to build to their guidelines. Ms. Perry said normally an applicant comes to the homeowners association and they are able to give them the CC&Rs and discuss the height. Vice-Chair Kricensky asked if that was voluntary on behalf of the applicant. Ms. Perry said that she was not sure if it is possible to require approval by the HOA to build a structure, but Vice-Chair Kricensky said that it is possible. Ms. Perry thanked him for sharing that information and stated that most people have the courtesy to talk with neighbors about a project and this issue has therefore not come up until now.

Margo Geitheim suggested that the height of the structure needed to be reviewed as it would be well over the 22 foot height limit.

Afie Royo, owner, said that she was surprised by the comments. She said that her goal was to create something that would enhance the area. She said that the metal roof would not be shiny but was a flat material that would have no reflection. She believed that there was a lot of misunderstanding about the project. She said that they listened to everything discussed at the last meeting including reducing the size and height. She stated that another house currently being constructed in the neighborhood is much larger than what she was proposing. She said that the house would be fenced and have trees and be very private. She said that the setbacks were based on the codes and she had not checked to see the size of the other homes on the lots in the neighborhood, but this is a 1,500 square foot house and she would like to expand it.

The public hearing was closed.

Vice-Chair Kricensky stated that the 22 foot height limit has to be enforced by someone other than the Town. He thought that the roof was a non-issue and said that metal roofs look about the same as composition roofing as long as the color is dark. He acknowledged that setbacks can be confusing when dealing with odd-shaped lots, but noted that the required rear yard setback listed on the plans was inconsistent. He stated that he was unsure whether the topographic maps were accurate and were depicted incorrectly on the elevations. He also pointed out that the zoning ordinance states that the floor area ratio should be viewed as the maximum allowed and not a target, and said that there are sites where that maximum does not fit well. He felt that the maximum floor area would be too much on this particular, very small lot. He thought that the tall walls would be a dominant feature that would be inconsistent with the neighborhood.

Boardmember Cousins agreed with Vice-Chair Kricensky's comments regarding the metal roof. He said that eliminating the third story was appropriate. He stated that there was inconsistency between the plans and the story poles, as the poles were installed closer into the trees than shown on the plans, and he would like to see that reconciled. He stated that the house would look like a three-story wall from below. He agreed with Vice-Chair Kricensky regarding the inconsistent setback lines. Planning Manager Watrous said that staff reviewed the setbacks and those shown on the proposed site plan were accurate for this triangular lot.

Boardmember Emberson agreed with the other boardmembers' comments. She stated that there was nothing to break up the large wall when viewed from the street and said that the house would be visually imposing. She suggested that the pine trees would not survive. She agreed with the point that this lot cannot support the maximum FAR and felt that the house size should be reduced.

Boardmember Chong said that the original plan would have had a massive impact on the uphill neighbor, but he believed that the revised plans would have little or no impact. He felt that a workshop as a room was not bothersome, and that the dark metal roof was fine. He believed that there was not much difference from the existing structure and that the stucco wall and massing in front would not have a huge impact. He stated that he could possibly support the project.

Chair Tollini said that he did not see evidence of view blockage at 175 Stewart Drive. He agreed that the metal roof was not an issue since it would be non-reflective. However, he felt that the house would have an incredible impact on Sierra Court. He said that the elevation of the house is masked by the trees, which would be removed. He said that the actual floor area of the house was not a problem, but the massing of structure on the downhill side and placing all of the floor area on the same plate that was creating the problem. He felt that more of the floor area should be placed on the ground floor and not pushed out on the upper level. He said that he had no confidence in the placement of the story poles because they did not reconcile with the plans. He said that he would like to see more care taken to show the correct placement of the poles.

Planning Manager Watrous suggested that the story poles should have been certified, and staff did not receive such certification for this project. Ms. Royo said she has the certification and was

not aware it was not received. Chair Tollini said that if the story poles were placed correctly then the drawings must be incorrect.

Vice-Chair Kricensky asked for a detailed landscape plan to be included in the next submission. Boardmember Emberson agreed.

ACTION: It was M/S (Emberson/Kricensky) to continue the request for 173 Stewart Drive to the September 17, 2015 meeting. Vote: 5-0.

The presentations and public comments for 3 and 5 Trestle Glen Circle were combined.

2. **3 TRESTLE GLEN CIRCLE:** File No. DR2015031; Arthur Giovara, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new three-story single-family dwelling on a currently vacant lot. The house would include 4,391 square feet of floor area, with a 607 square foot garage and 1,406 square feet of basement area. Assessor's Parcel No. 039-061-93.

The applicant is requesting to construct a new three-story single-family dwelling on a currently vacant lot located at 3 Trestle Glen Circle. The application was first reviewed at the July 2, 2015 Design Review Board meeting. At the meeting, several neighboring property owners objected to the visual massing of the proposed house design and potential light impacts from the large number of windows proposed on the front and sides of the building. The Design Review Board felt that the house design was generally appropriate, but shared some of the concern about light impacts, particularly regarding a two-story window element for the family room. The architect presented a revised design that would limit this space to one story and the Board felt that this revision was acceptable.

The Design Review Board also raised concerns about the size of the proposed basement area. The consensus of the Board was that some of the areas designated as basement space were necessary elements of the house design, including the closet and bathroom of the master bedroom suite and represented a manipulation of the basement definition to allow more floor area for other portions of the house. The Board continued the application to the August 20, 2015 meeting to allow the applicant to submit revised plans.

Revised project plans were submitted. The revised plans eliminated all basement area from the upper level. Basement area on the main level was limited to a powder room next to the living room and a wine cellar area adjacent to the dining room. The lower level basement included a media room, powder room, and storage areas. The garage was also redesigned to eliminate any basement space. The two-story family room has been reinstated in the revised plans. After consulting with the adjacent property owner, the architect proposed to install a series of fixed wooden louvers on the family room windows facing both the site of the future home on Lot 1 (1 Trestle Glen Circle) and facing Trestle Glen Boulevard and the Belveron neighborhood.

The proposed house would include 4,391 square feet of floor area, with a 607 square foot garage and 1,406 square feet of basement area. The proposal would be 4 square feet below the maximum floor area allowed for this lot under the Trestle Glen Circle Precise Development Plan.

Dan Watrous

From: Laurie James [lajames07@comcast.net]
Sent: Wednesday, May 11, 2016 11:35 AM
To: Dan Watrous
Cc: 'Laurie James'
Subject: 173 Stewart Drive

Hi Dan.

I picked up the current proposed plans for 173 Stewart Drive and noticed a major change to the fence and deck design compared to prior proposals.

In the proposal stamped dated May 11, 2015, the fence design closely followed the original design. In an additional proposal stamped dated July 13, 2015 it again proposes a replacement design similar to the original fence/gate.

I raised my concerns at prior meetings that not only would the proposal to enlarge the house by 7.5 ft with additional windows infringe on both of our privacy, the proposed(stamp dated May 5, 2016) new clear deck railing/fence replacement would also only increase the lack of privacy.

I suggested that they extend the fence for additional privacy for both homeowners and reduce the clear paneling. I'm disappointed to see in the current plans (stamp dated May 5, 2016) , not only did they not extend the fencing, they actually made it worse! The fence design appears to be even shorter than the original fence with now even more clear deck paneling.

Our suggestion is that they continue the wood/stucco fence along the same proposed fence line for at least another 6 ft or continue at an angle for another 6 ft to maintain the arc of the deck design.

--This would be a win-win for both parties.

--Their only loss would be a **direct view** into our dining room and kitchen area and of course, somebody walking around not quite fully dressed!

--By extending the fence, it would also provide them an additional sound barrier to the cars going up and down Stewart Drive....another benefit.

Please remember the way these homes are now, they've been this way for over 25+ years. So to have our privacy impacted by an upgrade by another home is just not fair.

I have yet to review the rest of the plans but wanted to make sure that this concern is raised once again to Planning/Design Review prior to any final approval.

p.s. One other thought to keep in mind....if the new owner cites the ongoing remodel at 145 Stewart Drive as "precedent" to back her design (clear paneling, etc), one must remember that the majority of houses around 145 Stewart have tenants and possibly didn't have the true neighbor representation prior to that design review.

Thank you for also forwarding this on to the Board members.

Laurie James
170 Stewart Drive
Tiburon, CA.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 19, 2016
Agenda Item: **6**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: 101 Howard Drive; File No. DR2016038;
Site Plan and Architectural Review to Legalize As-Built Construction of
a Fence for an Existing Single-Family Dwelling

PROJECT DATA

ADDRESS: 101 HOWARD DRIVE
ASSESSOR'S PARCEL: 039-133-09
FILE NUMBER: DR2016038
OWNER/APPLICANT: CHRIS AND KENNA NORRIS
LOT SIZE: 11,700 SQUARE FEET
ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: APRIL 5, 2016

PROJECT DESCRIPTION

The applicant is requesting design review approval to legalize as-built construction of a wooden fence for an existing single-family dwelling on property located at 101 Howard Drive. The property is currently developed with a single-family dwelling.

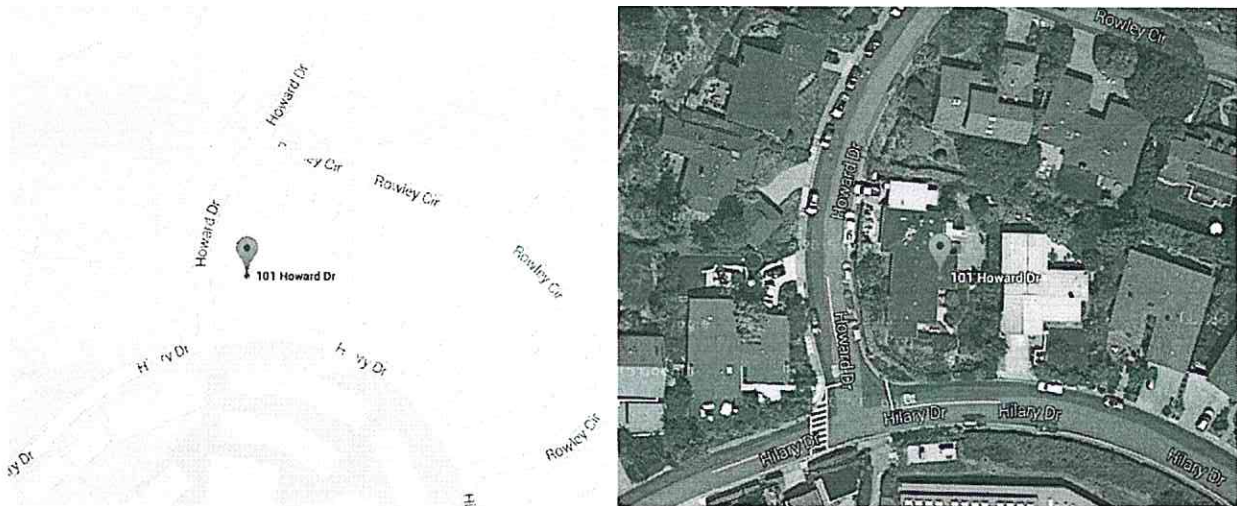
The fence is situated near the front and side property lines on the corner of Howard Drive and Hilary Drive. The as-built wooden fence replaced an existing wooden fence covered with overgrown landscaping. The as-built fence would appear to be in the same location and height as the previous existing fence. The as-built fence would have a maximum height of six feet (6'). The property owner proposes to stain the fence a slate gray color and plant 30 inch tall landscaping in front of the fence along Howard Drive and Hilary Drive.

This application was first submitted for staff-level design review. During the review of this application, an adjacent property owner raised objections to the design of the as-built fence. As a result, the Community Development Director referred this application to the Design Review Board for their action.

BACKGROUND

On December 17, 2013, the Planning Division staff approved a Site Plan and Architectural Review application (File# 713122) for construction of a new six (6') foot open lattice wood fence along the front property line facing Howard Drive and a new six (6') foot solid wood fence along the side property line facing Hilary Drive. The application indicated that the fence would be constructed in the location of an existing and the submitted plans indicated that the fence would be located along the property line. The entire fence was instead constructed with a solid wood material and located outside the property line within the public right-of-way, where the previous fence was actually located. The applicant has requested to legalize the revised fence material on Howard Drive as part of the subject application. During the process, the owner received an approval of an encroachment permit from the Public Works Department to maintain the location of the as-built fence within the public right-of-way as the location is similar to that of the previously existing fence.

PROJECT SETTING



The subject property is located on the corner of Howard Drive and Hilary Drive adjacent from the Del Mar Middle School. The site is reasonably level, with a slight slope upwards from Hilary Drive. The property faces south with views of the Richardson Bay and Sausalito. The streets above Del Mar Middle school change in elevation with the lots along Hilary Drive at a lower elevation than those along Rowley Circle.

ANALYSIS

Design Issues

An adjacent neighbor raised concerns that the proposed 6 foot tall solid wood fence would be inconsistent with the appearance of other fences in this neighborhood and preferred the originally approved open lattice design because the open lattice would look less bulky. Other existing fences in the vicinity appear to be a mixture of sizes, colors and materials, including open lattice, solid wood, and painted/stained fences. The as-built fence with the proposed gray color would appear to be similar to the fence across the street on Hilary Drive. As noted above, the owner

would plant 30 inch tall landscaping in front of the as-built fence, which could provide a screen of the fence from the street.

The Design Review Board is encouraged to view other homes in the vicinity to determine if the as-built fence would be inconsistent with the visual character of the surrounding neighborhood.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone.

PUBLIC COMMENT

As of the date of this report, there has been one (1) letter in opposition regarding this application.

PRELIMINARY ENVIRONMENTAL DETERMINATION

Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Sections 15301 and 15303 of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15301 and 15303. If the Board wishes to approve the application, it is recommended that the attached conditions of approved be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Letter dated April 14, 2016 from Douglas O'Connor
4. Submitted Plans

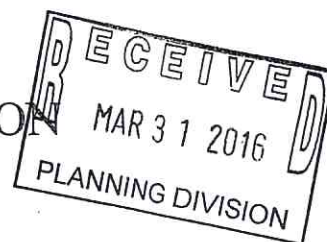
EXHIBIT 1

**DRAFT CONDITIONS OF APPROVAL
101 HOWARD DRIVE
FILE NO. DR2106038**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform to the application and plans dated by the Town of Tiburon on March 31, 2016, as amended by these conditions of approval. Any modifications to the plans of March 31, 2016 must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
6. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
8. Fencing shall not exceed six feet (6') in height at any point, measured from grade.
9. The portion of fence on the corner (at the intersection of Hilary Drive and Howard Drive) shall have a distance of 35 feet or more from the intersection.



**TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION**



TYPE OF APPLICATION

- | | | |
|--|--|--|
| ☐ Conditional Use Permit | ☐ Design Review (DRB) | ☐ Tentative Subdivision Map |
| ☐ Precise Development Plan | ☒ Design Review (Staff Level) | ☐ Final Subdivision Map |
| ☐ Secondary Dwelling Unit | ☐ Variance(s) _____ # | ☐ Parcel Map |
| ☐ Zoning Text Amendment | ☐ Floor Area Exception | ☐ Lot Line Adjustment |
| ☐ Rezoning or Prezoning | ☐ Tidelands Permit | ☐ Condominium Use Permit |
| ☐ General Plan Amendment | ☐ Sign Permit | ☐ Seasonal Rental Unit Permit |
| ☐ Temporary Use Permit | ☐ Tree Permit | ☒ Other <u>AS-BUILT</u> |

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 101 HOWARD DRIVE, TIBURON CA **PROPERTY SIZE:** 11700
PARCEL NUMBER: 03913369 **ZONING:** R-1

PROPERTY OWNER: CHRISTOPHER + KENNA NORRIS
MAILING ADDRESS: 101 HOWARD DR, TIBURON, CA 94920

PHONE/FAX NUMBER: 415-699-7957 **E-MAIL:** KENNA.NORRIS@GMAIL.COM

APPLICANT (Other than Property Owner): same as owner
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ **E-MAIL:** _____

ARCHITECT/DESIGNER/ENGINEER _____
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ **E-MAIL:** _____

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

APPLICATION FOR AS BUILT SOLID WOOD FENCE RE PLACING ORIGINAL
DETERIORATED FENCE. FENCE IS 6' IN HEIGHT FRONTING BOTH HOWARD
AND HILARY DRIVES AND CONSTRUCTED IN SOLID 4X4 REDWOOD BILMOS
ATTACHED HORIZONTALLY TO FRAMING. INSTALLED FENCE IS 222 FEET.
NEW FENCE HAS BEEN SET BACK 35' AT CORNER TO COMPLY WITH ZONING ORDINANCE

10-30-050

Ref File: 713122

(CONTINUED)

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* [Signature]

Date: 3.30.16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:* [Signature]

Date: 3.30.16

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

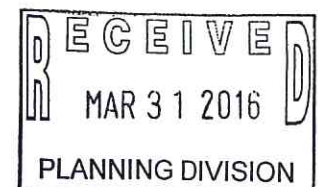
NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438 (Fax)
www.townoftiburon.org



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016038	GP Designation:	Fee Deposit: \$510.00
Date Received: 3/31/16	Received By: KO	Receipt #: R942
Date Deemed Complete: 4/5/2016	Action:	By: KO
Acting Body:	Date:	
Conditions of Approval or Comments:	Resolution or Ordinance #	

LAND DEVELOPMENT APPLICATION - 101 HOWARD DR

Pg. 2

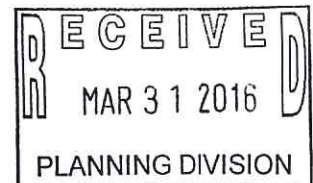
FENCE WILL BE STAINED WITH BEHR PREMIUM SEMI TRANSPARENT
WOOD STAIN IN SLATE (ST-102)

IVEN LANDSCAPING, NOT TO EXCEED 30' WILL BE PLANTED
ALONG THE HOWARD AND HILARY FACINGS OF THE FENCE.

2 SUNSET LIGHTING F6891-31 ^{8"X 375"} 4" SQUARE ALUMINUM

WALL SCULPTURES IN BLACK TO BE INSTALLED ON EITHER

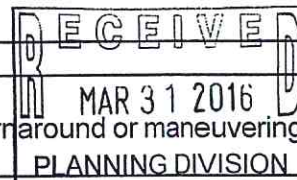
SIDE OF MAIN ENTRY GATE. FIXTURES ARE DARK SKY COMPLIANT



M OR ALTERATION SUPPLEMENT IT

Please fill in the information requested below:

- Briefly describe the proposed project (attach separate sheet as needed): APPLICATION FOR AS BUILT
SOLID REDWOOD FENCE FRONTING HILARY + HOWARD DRIVES. THE FENCE IS 6' IN HEIGHT
CONSTRUCTED OF 1x4 REDWOOD BOARDS ATTACHED PERPENDICULARLY TO FRAMING. THE INSTALLED
FENCE IS 222' AND HAS BEEN SET BACK 35' AT THE CORNER IN COMPLIANCE WITH ZONING
ORDINANCE 16-30.050. THE FINISHED FENCE WILL BE STAINED IN BEAR PREMIUM SEMI
(CONTINUED)
- Lot area in square feet (Section 16-100.020(L))* _____ Zoning: _____
- Square footage of Landscape Area: _____
- Proposed use of site (example: single family residential, commercial, etc.):
Existing _____
Proposed _____
- Describe any changes to parking areas including number of parking spaces, turn around or maneuvering areas.



TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	ft.	ft.	ft.	ft.	ft.
Rear	ft.	ft.	ft.	ft.	ft.
Right Side	ft.	ft.	ft.	ft.	ft.
Left Side	ft.	ft.	ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	6 ft.	ft.	ft.	ft.	6 ft.
Lot Coverage (Section 16-30.120(B))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	%	%	%	%	%
Gross Floor Area (Section 16-100.020(F))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code, Title IV, Chapter 16 (Zoning)

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JORRIS - 101 HOWARD T.

MINOR ALTERATION SUPPLEMENT APPLICATION - 101 HOWARD DR

PG. 2

BEHR PREMIUM SEMI TRANSPARENT WOOD STAIN - SLATE (ST-10

NEW LANDSCAPING NOT TO EXCEED 30" WILL BE

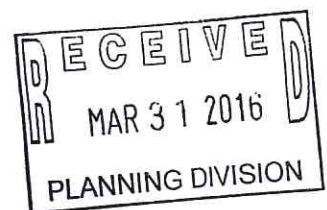
PLANTED ALONG THE ENTIRE PERIMETER OF THE

FENCE FRONTING BOTH HOWARD AND HILARY SIDE.

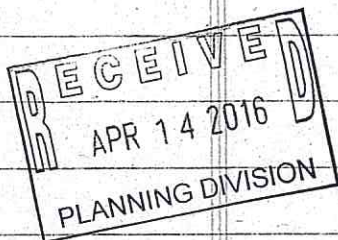
2 SUNSET LIGHTING (F6891-31) DARK SKY COMPLIANT 8"X

4' ^{3 1/2"} SQUARE ALUMINUM SCONCES WILL BE INSTALLED ON

EITHER SIDE OF MAIN HOWARD DR GATE-



Re 101 Howard Dr.
To Kyle O'Malley, Associate Planner,



In accordance with your 4/5/16 notice re the proposed fence by Harris at 101 Howard Dr., the following objections are made:

1) The 12/17/13 approval by the planning division called for an open lattice custom fence at 122' along Howard Dr. The fence as built is a solid wood fence at 4' sections instead of 8' sections as called for. At 122' in length and 6' in height is too bulky, as solid, and if painted dark slate grey as proposed, it will be extremely unattractive to all who travel Howard Dr. The open lattice fence, at 8' sections, painted white as shown and approved should be required.

2) The 4' x 1' boards on Hickory Dr. are horizontal - The approval was of 6' boards vertical and at 8' sections and should be complied with.

3) The 30" covering vegetation proposed cannot be accomplished at the driveway unless the concrete at the fence is removed.

Respectfully submitted,
Douglas R. O'Brien
171 N. 1st St. - P.O.